



THE ATTORNEY GENERAL  
OF TEXAS

JIM MATTOX  
ATTORNEY GENERAL

October 16, 1990

Mr. Stephen S. Durish  
Receiver of Southwest American  
Lloyds Insurance Company  
State Board of Insurance  
P.O. Box 2800  
Austin, Texas 78768-2800

OR90-497

Dear Mr. Durish:

By letter of October 4, you inform us that the attorney for the Receiver of Southwest American Lloyds Insurance Company (SWAL) has received a request for information under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 10752.

You argue that the receiver is not a "governmental body" within the Open Records Act and, therefore, is not subject to the act. Since this threshold question is before the court in State of Texas v. Southwest American Lloyds Insurance Company, No. 481,060 (Dist. Ct. of Travis County, 98th Judicial Dist. of Texas) we will not consider it at this time and will reach the exceptions you cite without answering this threshold question.

We have considered one of the exceptions you claimed, specifically section 3(a)(3) of the act. A previous determination of this office, Open Records Decision No. 551 (1990), a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-497.

Yours very truly,

A handwritten signature in cursive script, reading "Susan Garrison", is written over a horizontal line.

Susan Garrison  
Assistant Attorney General  
Opinion Committee

Opinion Committee

SG/le

Ref.: ID# 10752

Enclosure: Open Records Decision No. 551

cc: Susan Martin  
Special Counsel to the Liquidator-Receiver  
State Board of Insurance

Clint Lewis  
Attorney at Law  
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